

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CHAD HOGAN,

Plaintiff,

v.

CITY OF MONTGOMERY, et al.

Defendants.

Case No.: 2:05CV687

ANSWERS AND RESPONSES OF DEFENDANT, M.D. GORDON, TO
PLAINTIFF'S CONSOLIDATED DISCOVERY REQUEST

Defendant, J. M. Gordon, as answer and response to Plaintiff's Consolidated Discovery Request states the following:

GENERAL OBJECTIONS

Defendant objects to each of Plaintiff's discovery requests to the extent that each is overly broad, vague, unduly burdensome, seeks information not designed nor reasonably calculated to the discovery of relevant evidence; and, purport to request information protected by the attorney/client privilege or the work-product doctrine or seeks information taken and/or prepared in anticipation of litigation, or privileged, not subject to discovery or which otherwise are impermissible subjects of discovery under the rules of civil procedure.

Defendant further objects to each discovery request to the extent each seeks documents or things which constitute confidential, proprietary information, or to which Defendant has a duty or obligation of confidentiality with respect to persons or not parties to this litigation. This objection is made specifically, but without limitation, with respect to any request which entails disclosure of



the identities or other confidential information of persons not parties to this litigation, whose privacy rights would be violated by such disclosure.

Defendant further objects to the "Definitions" to the extent that they are overly broad and seek to impose a duty on Defendant greater than that required by the Rules of Procedure and /or discovery.

INTERROGATORIES

1. State the full name, age, address and present position of each person or persons answering or assisting in the answering of this discovery request providing the defendant's driver's license number and state, social security number and date of birth.

Answer: **Name:** Marquedric Dante Gordon
 Age: 23
 Address: 320 North Ripley
 Montgomery, Alabama 36104
 Present Position: Police Officer, City of Montgomery Police Dept.

2. Please provide an accounting of all training you have received related to your job in law enforcement, giving the dates and places of said training including certificates of completion received.

Answer: Defendant objects to this interrogatory on the grounds that it is overly broad, vague, unduly burdensome, and seeks information that is not designed nor reasonable calculated to the discovery of relevant evidence. Without waiving such objection, the Defendant is a graduate of the Police Academy, and has completed other training relevant to his job.

3. Please list each and every telephone number for any cellular telephone, radio, walkie talkie, pager, or any other means of communication possessed by you on March 31, 2005 by your employer, including in your answer the date the service was initiated or date you entered into any service contract and whether said service is active or inactive.

Answer: Police Department (334) 241-2810
Nextel Number (334) 799-9337

4. Please list each and every lawsuit filed against you within the previous ten (10) years, stating the court where such lawsuit is filed, the case style and case number, the current status of said lawsuit, whether individually or in your employment capacity as an officer with the City of Montgomery.

Answer: Defendant objects to this interrogatory on the grounds that is overly broad, vague, unduly burdensome, and seeks information that is not designed nor reasonably calculated to the discovery of relevant evidence. Without waiving such objection, the Defendant has never had a lawsuit filed against him in the past ten years.

5. Please provide a narrative of the events of March 31, 2005 regarding or related to the arrest of Plaintiff. Provide the names of any person with whom you discussed the arrest of Plaintiff, the time, place and date of said discussion, as well as, the substance of the discussion(s).

Answer: Defendant objects to this interrogatory on the grounds that is overly broad, vague, unduly burdensome, and seeks information that is not designed nor reasonably calculated to the discovery of relevant evidence. Without waiving such objection, the Defendant states that it is his understanding that the Plaintiff committed a burglary at Arnaud's Meats on the evening in question, further led the Montgomery Police Department on a high speed chase through a residential area after refusing requests by the Montgomery Police Department to stop, then fled on foot after the car was wrecked, and the car in which the Plaintiff fled was ultimately found to have a handgun, ski mask, and flashlight inside the vehicle.

6. Please provide a statement regarding your understanding of the police department's policy and/or procedure regarding the arrest of subjects using canine.

Answer: See the attached Montgomery Police Department K-9 Training Manual.

RESPONSES TO REQUEST FOR PRODUCTION

1. All statements whether written or recorded taken from witnesses in this case including fellow law enforcement officers.

Response: Defendant objects to this request for production in that it seeks information protected by the attorney client privilege or the work product privilege or seeks

information prepared in anticipation of litigation, not subject to discovery, or is otherwise prohibited under the rules of civil procedure.

2. The entire investigative file related to the arrest of Plaintiff.

Response: See attached documents

3. Produce copies of any notes, diaries, correspondence, memorandum or reports of any kind relating to incident and arrest of Plaintiff which occurred on or about March 31, 2005.

Response: None

4. Produce copies of all responses you or your attorneys have received - or will receive throughout the pendency of this case - in response to subpoenas issued to third parties. This is a continuing request.

Response: None

5. Produce any written policy maintained by the police department related to the arrest of subjects.

Response: None

6. Produce any written policy or procedure maintained by the police department related to the use of canine in effectuating arrests.

Response: See the attached Montgomery Police Department K-9 Training Manual.

7. Produce a copy of any file forwarded to the district attorney's office related to the charges brought against Plaintiff.

Response: See attached documents

8. Produce any evidence you have demonstrating that Plaintiff attempted to burglarize Arnaud's Quality Meats.

Response: See attached documents

9. Produce a list of all officers on duty at the police department on March 31, 2005 between 18:00 and 24:00 hours.

Response: Defendant objects to this interrogatory on the grounds

that it is overly broad, vague, unduly burdensome, and seeks information that is not designed nor reasonably calculated to the discovery of relevant evidence. Without waiving said objection, the Defendant states it will supplement this response if the request is limited to specific divisions and a specific shift.

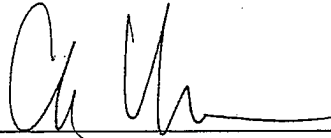
Respectfully submitted this the 14 day of December, 2005.


M.D. Gordon

Sworn to and subscribed before me on this the 14 day of December, 2005.


NOTARY PUBLIC

My commission expires May 22, 2006
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: May 22, 2006
BONDED THRU NOTARY PUBLIC UNDERWRITERS


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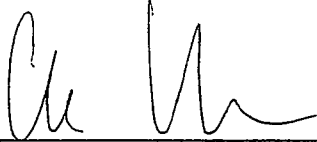
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following through this Court's electronic filing/notification system and the United States mail on this the 14 day of December, 2005.

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